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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s)	Levi, et al.	Examiner:	Raymond J. Henley III
Serial No.:	10/076,204	Group Art Unit:	1614
Confirmation No:	8595	Docket:	955-16
Filed:	February 13, 2002	Dated:	July 16, 2003
For:	Method and Compositions for Reducing Cardiac Dysfunctions with a Selective Histamine H₃ Receptor Agonist		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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20231 on July 16, 2003*

Dated: 7/16/03

Julie L. Watto

PRELIMINARY AMENDMENT

Sir:

Applicants respectfully request entry of the following amendment prior to examination of the above-identified application.

Amendments to the Claims are reflected in the listing of claims which begin on page 2 of this Amendment.

Remarks begin on page 6 of this Amendment.



PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated June 18, 2003, the Examiner has imposed a restriction requirement to one of the following inventions under the provisions of 35 U.S.C. §121:

- I. Claims 1-30, drawn to methods for reducing cardiac dysfunctions in a human (claims 1-18 and methods for inhibiting the Na⁺/H⁺ exchanger in a human (claims 19-30) in each of which, *inter alia*, a pharmaceutical composition comprising a selective histamine H₃ receptor agonist is administered.
- II. Claims 31-32, drawn to a pharmaceutical composition comprising a selective histamine H₃ receptor agonist in a pharmaceutical carrier.

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Applicants hereby elect the claims of Group I, Claims 1-30, without traverse.

In addition, applicants co-filed herewith a Preliminary Amendment which amends claim 1 to more accurately define the invention and to cancel the non-elected claims.

In view of the present election and co-filed Preliminary Amendment, applicants respectfully submit that this application is now in condition for examination on the merits. If resolution of the any remaining issues are required prior to examination of the application, it is respectfully requested that the examiner contact the undersigned at the telephone number provided below.

Respectfully submitted,



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